Keeper, and told her, That Mr. *Finch* was cold, and in a Room where was but a little Fire, deſiring her to let Mr. *Finch* come to the Room behind the Bar; that ſhe bidding him tell Mr. *Finch* ſhe ſhould take it as an Honour, if he would be pleaſed to let her have his Company, he went in, and found Mr. *Finch* a-ſleep, with his Scarlet Cloak wrapp'd about him, acquainted Mr. *Finch* with it, and he came into the Room behind the Bar, where Mrs. *Ditton* was; that then he being deſirous to go to Bed, deſir'd to know if Mr. *Finch* had any Commands for him; upon which he bid him fill him another Glaſs of Wine, and having done, Mr. *Finch* told him he had no farther Commands, and he might go to Bed, which he did. That about two o' Clock in the Morning the Maid came up to him, and told him Mrs. *Salisbury* was come, and wanted a Pint of *Frontiniac*; that thereupon he aroſe, drew a Pint, and carried it into the Room, fill'd Mrs. *Salisbury* a Glaſs, and having ſhut the Door, retir'd towards the Fire; that there was ſome Diſcourſe paſſed between them about an *Opera* Ticket, that as he ſuppos'd Mr. *Finch* had given to ſome Perſon unknown to Mrs. *Salisbury*; but he did not thoroughly underſtand the Matter. That as they were talking, he having with the Wine carried in a *French* Roll, and with it a Knife to cut it, as is uſual; he did perceive Mrs. *Salisbury* to have the Knife in her Hand, and ſaw the Motion of her Hand towards Mr. *Finch*, but did not preſently know what was done. That Mr. *Finch* was ſitting open Breaſted, and Mrs. *Salisbury* next to him; that after the Wound was given, Mr.

Finch

Finch roſe up, and clapping his Hand upon his Breaſt, ſaid, *Madam, you have wounded me:* Upon that, he went to *Mr. Finch*, took away his Hand, and ſaw the Blood iſſue out; that then he went immediately away and fetch'd a Surgeon; that when the Surgeon came, he clapp'd his *Thumb* on the Wound to ſtop the Blood. That *Mr. Colthart* being call'd, when he came, *Mrs. Salisbury* ſatisfied the other Surgeon for his Trouble, and deſired *Mr. Colthart* to dreſs *Mr. Finch*. That *Mr. Colthart* having prob'd the Wound, cut it, to open it a little more; that thereupon *Mrs. Salisbury* ſhriek'd out, ſaying, *O Lord, Mr. Colthart what are you doing?* and fell into Fits, and continued in them for ſome time. That while he was dreſſing by the Surgeon, ſhe was out of the Room, but came in ſeveral times, and ask'd *Mr. Finch* how he did, and what he would have; that *Mr. Finch* told her he *was very bad, worſe than ſhe imagined*. To which *Mrs. Salisbury* reply'd, *Jacky, you are not ſo bad as you imagine*. That they having ſome Broth in the Houſe, which was made for his *Maſter*, *Mr. Finch* drank ſome of it; and that *Mrs. Salisbury* going towards the Kitchin, ſaid, *That ſhe would make the Caſe better than it was to Mr. Finch, becauſe he was much diſſpirited*. Being ask'd by the Counſel, whether there was not a Glaſs of Wine thrown in ſomebody's Face, and upon what Occaſion. He anſwer'd that there was (into *Mrs. Darby*'s) and it was becauſe *Mrs. Darby*, who was there preſent, had conceal'd an Opera Ticket, that had been given, as was ſuppos'd, to *Mrs. Salisbury*'s Siſter, by *Mr. Finch*. That during the time of their ſtay at his *Maſter*'s Houſe, there was a Pint or two more of *Frontiniac* drank by the Company, but he thinks *Mr. Finch* drank none of it. That then two Chairs were call'd, one for *Mr. Finch*, and the other for *Mrs. Salisbury*, and they both went away together, but whether to *Mr. Finch*'s Lodgings or not, he could not ſay, not having heard the Chairmen's Orders. Being ask'd by

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the Counſel, what Temper *Mr. Finch* and *Mrs. Salisbury* was in at the time when the Wound was given? He anſwer'd, That when the Diſcourſe was about the Opera Ticket, *Mrs. Salisbury* was angry, but *Mr. Finch* was in good Temper; and that immediately upon *Mr. Finch*'s ſaying *I gave it*, the Blow was given.

Mrs. *Ditton* depos'd, That Mr. *Finch* came to their Houſe, as the Drawer had before depos'd; and that about a quarter of an Hour after, Mrs. *Salisbury* came in a Coach with her Siſter and One more, and that Mr. *Finch* ſaluted her when ſhe firſt came in, and that ſhe call'd for a Pint of *Frontiniac*, and the Drawer being in Bed was call'd up; that he drew it, and having fill'd out a Glaſs, gave it to Mrs. *Salisbury* to drink to Mr. *Finch*. That Mrs. *Salisbury* ask'd her, (ſhe having been at the Opera) if ſhe had ſeen the *King before, and how ſhe lik'd him*; that ſhe anſwer'd, that ſhe *had not ſeen him before*, and that *ſhe lik'd him very well*, and ask'd her *who it was that gave her Siſter the Opera Ticket*; that ſhe anſwer'd, *ſhe did believe* Mrs. *Darby could tell her*; upon which ſhe threw a Glaſs of Wine in Mr. *Darby*'s Face, as ſhe did ſuppoſe for not telling her: That there paſs'd ſome Words between Mrs. *Salisbury* and Mr. *Finch* about an Opera Ticket; but ſhe being on the other ſide of the Room, did not hear them diſtinctly. That Mrs. *Salisbury* ask'd her, if at the Opera ſhe ſaw a *certain Gentleman* there, and that ſhe anſwer'd ſhe did; That then Mrs. *Salisbury* ask'd her if he came to her Siſter and talk'd to her; to which ſhe anſwer'd, he did not. Upon this, ſhe this Witneſs, being ask'd by the Counſel, *Whether ſhe did not think that Mrs.* Salisbury *did apprehend this Gentleman had ſome Deſign upon her Siſter?* She reply'd, *That ſhe did believe that was the Reaſon that ſhe did what ſhe did.* And that, in the Time of the Diſcourſe about the Opera Ticket, and upon *Mr. Finch*'s ſaying *he gave it*, ſhe ſaw *Mrs. Salisbury* had the Knife in her Hand, ſitting by *Mr. Finch*, and

ſaw

ſaw the motion of her Hand towards *Mr. Finch*, but the Motion was ſo very quick, ſhe did not ſee the Blow given; but as ſoon as ſhe perceived that *Mr. Finch* was wounded, ſhe went away immediately to call a Surgeon; and that there was at that Time, two other Perſons in the Room. That while *Mr. Finch* was dreſſing by the Surgeon, *Mrs. Salisbury* went out of the Room. It was alſo depos'd, that after *Mr. Finch* was dreſſed, *Mrs. Salisbury* came into the Room, and *Mr. Finch* complaining of the Pain of his Wound, She ſaid, *Jacky, do you forgive me?* to which he reply'd, *I do, and can die with Pleaſure by your Hand*; that *Mrs. Salisbury* ſaid *ſhe would go Home with him, and take Care of him*: That ſhe ſaid, *if you do forgive me, come and ſalute me*; which he did.

Mr. Colthart, the Surgeon, depos'd, That upon the 21ſt of *December*, about 4 a Clock in the Morning, he was call'd up, to go to a Gentleman, at the *Three-Tun Tavern*, as aboveſaid, who was ſaid to be dangerouſly wounded; that he went thither, and found Mr. *Finch* ſitting in a Chair with his Head reclined backwards: That he felt his Pulſe, found it very low, and him fetching his Breath with great Difficulty; and that ſpeaking to *Mr. Finch* concerning his fetching his Breath, he ſaid he could ſcarce fetch it at all; that he found the Wound between the 3d and 4th Rib, and that he bled inwardly. Thereupon he took an Inſtrument to dilate the Wound, that the Blood might diſcharge itſelf outwardly; that thereupon *Mrs. Salisbury* ſhriek'd out, ſaying, *for God's ſake don't cut him*; to which he reply'd, he *was going to ſave his Life*; that then ſhe fainted and fell upon the *Floor*. That when he had dreſs'd the Gentleman, *Mrs. Salisbury* call'd him, and ask'd him, *what he thought of the Wound*; that he told her *it was a dangerous one, and more dangerous than ſhe apprehended*: That ſhe anſwered, *ſhe* was the Perſon that gave it, *and if he died, ſhe did not deſire to live a Minute longer*. And

applying

applying herſelf to the Gentleman, ſhe ſaid, *Mr.* Finch, *you have had a Cold this 2 or 3 Days, if you bleed a little it will be the better for it.* That the next Morning he went to Mr. *Finch's* Chambers, and found *Mrs. Salisbury* in the Room, and telling her *the Wound was dangerous*, he deſired to have the Advicce and Aſſiſtance of more Surgeons, and ſhe ſent for Mr. *Palmer.* After which, the Lord *Finch*, from a tender Concern for his Brother, ſent for Dr. *Mead*, Mr. *Bouſſier*, and Mr. *Green.* But notwithſtanding all the Care and Art that could be uſed, he lay in a dangero s Condition for 2 Months.

The Counſel for the King having gone thro' the Courſe of their Evidence, the Counſel for the Defendant intimating, that it would be too hard a a Task to contradict the Priſoner's having aſſaulted and given the Wound to the Proſecutor, they ſhould only oppoſe that *Part* of the *Indictment*, as to the *Malice* prepenſe, and doing it with Deſign to *Kill* and *Murder* the Proſecutor: That the Commiſſion of the Fact was by a ſudden ſtart of Paſſion which was accidentally rais'd, and that ſhe knew not what ſhe did, when ſhe *committed it, and was ſorry for it after it was done; that her Paſſion was raiſed to that height, upon the great Concern ſhe had on her Mind for her Siſter, whom ſhe had virtuouſly educated*, and was apprehenſive, *that her Virtue was in Danger of being attack'd by the Perſon whom ſhe enquir d whether he was at the* Opera, *when her Siſter was there, and if he ſpoke to her. And imagining that the Opera Ticket had been given her by Mr.* Finch, *to lay her in the way of being ſeduced*, &c. *by that Gentleman: This Jealouſy carried her to do that which at another Time ſhe would have loſt her Life before ſhe would have done it.* And to induce the Belief, that it did not proceed from *Malice prepenſe*, and that ſhe had no Deſign by that Act to *Kill* or *Murther* the Proſecutor, they call'd ſeveral Witneſſes to prove, that there had been for a conſiderable Time an Intimacy and Friendſhip between them; and alſo from her Concern for him after he had receiv'd the Wound, and urg'd that the Proſecutor had no ſuch thought of her, in that he ſo readily

forgave

forgave her. To all which the Counſel for the King reply'd, that as to their preceding Acquaintance and Friendſhip, that could not prove that ſhe had at that time no malicious Intent; for that there were too many Inſtances, where a real Friendſhip had, by ſome Miſunderſtanding, or Affronts offer'd, been turn'd to Enmity, and beſides, that Perſons of her Character were ſcarce capable of ſincere Friendſhip. That as to the pretended Provocation given, for raiſing that ſudden Start of Paſſion, as they call it, upon the Apprehenſion of her Siſter's Honour being in Danger, that likewiſe did not agree with her known Character, nor perhaps her Siſter's neither; nor had there been any Proof given of the Proſecutor's ever having given her Occaſion upon that Account; that as for the Concern they pretend ſhe ſhew'd after the Commiſſion of the Fact, it was very reaſonable to ſuppoſe that might be upon her Account; that as for the Concern they pretend ſhe ſhew'd after the Commiſſion of the Fact, it was very reaſonable to ſuppoſe that might be upon her own Account, and not on his, ſhe well knowing what the Conſequence muſt have been, if he had dy'd, and that her own Life muſt have paid as far as it could, for the Commiſſion of ſo inhuman and barbarous a Fact. That as to the Goodneſs of the Proſecutor's Temper to forgive her, that could be of no Service to prove that ſhe had no malicious Intent; for tho' he was a Gentleman of known Goodneſs and Temper, that could be no Argument of the Goodneſs of hers, nor that ſhe had no malicious Intent at that Time to kill and murther him. And alſo inaſmuch, that if Mr. *Finch* had unfortunately dy'd of the Wound given him by the Priſoner, as there was the utmoſt Reaſon to believe he would, it could in the Eye of the Law, have been no leſs than a *Wilful Murther*, which implies *Malice prepenſe* and an intent to kill; ſo in like manner, the giving the ſame barbarous and dangerous Wound, without the leaſt Provocation, cannot be deem'd to be done otherwiſe than with an intent to kill and murther, altho' he has had the Happineſs to eſcape that fatal Event; for the After Succeſs cannot alter the Prior Intention of the Mind. The Evidence and Counſel having ſubmitted the Cauſe to the Court and Jury, the Lord Chief Juſtice very fully and diſtinctly ſum'd up the Evindence, and the Jury after ſome conſideration, found her guilty of Aſſaulting and Wounding the Proſecutor, but as to her doing it with an intent to *kill* and *murther* him, they acquitted her. The Puniſhment inflicted upon her for this Offence, is, that ſhe is to pay a Fine of 100 l. to ſuffer a Year's Impriſonment, and give Security for her good Behaviour for Two Years more. *FINIS.*

21 DE 64

Read 14 Nov. 1702. 10

K. England. — Parl. [Bills. — II. Anne.]

THE

BILL,

ENTITULED,

An Act for preventing Occaſional Conformity,

WITH

The AMENDMENTS made by the *Lords*, and the AMENDMENTS made by the *Houſe of Commons* to thoſe AMENDMENTS:

AND THE

REPORTS

Of the Several

CONFERENCES

Relating thereunto;

And the PROCEEDINGS *thereupon.*

AS ALSO

The REPORTS of the CONFERENCES between the Two Houſes, relating to a Meſſage the Fourth of *February* laſt, touching the Commiſſioners of Accounts, and the *Proceedings* thereupon.

Printed by Order of the Houſe of Commons.

Printed for *Edward Jones* in the *Savoy*, and *Timothy Goodwin* at the *Queen's-Head* againſt St. *Dunſtan's* Church in *Fleetſtreet*. 1702.